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TAGS: [PGOV](#) [PHUM](#) [KIRF](#) [KDEM](#) [KZ](#)
SUBJECT: KAZAKHSTAN - CHANGES MADE TO RELIGION LAW
AMENDMENTS, GOK PROMISES TO TAKE INTO ACCOUNT ODIHR
RECOMMENDATIONS

REF: (A) ASTANA 767 (B) STATE 52046 (C) ASTANA 411

Classified By: Pol-Econ Chief Steven Fagin, Reasons 1.4 (b) and (d)

SUMMARY

¶1. (C) The Mazhilis passed on first reading a revised text of amendments to Kazakhstan's religion law. Some of the most problematic provisions were removed from this latest version, though at the same time, new provisions were added which raise concerns. The amendments must go through a second Mazhilis reading before being sent to the Senate for its consideration. ODIHR finalized its analysis of the original version, forwarded it to the government, and offered to send experts to Kazakhstan to discuss ODIHR's conclusions. Presidential Administration head Kelimbetov, Senate Chairman Tokayev, and Mazhilis Speaker separately reassured the Ambassador that Kazakhstan will take into account ODIHR's recommendations in the final version of the legislation. End Summary.

PROBLEMATIC PROVISIONS REMOVED, BUT OTHERS ADDED

¶2. (SBU) On June 11, the Mazhilis (i.e., the lower house of Kazakhstan's parliament) heard and passed on first reading a revised text of amendments to Kazakhstan's religion law. If passed without changes at a second Mazhilis reading, the legislation will move to the Senate for consideration. The revised text on the whole appears to represent an improvement over the original legislation introduced into the Mazhilis in May (see ref A). In response to criticism from NGOs and concerns raised by the international community, including by us, the Mazhilis removed from the new version provisions that would have banned foreign and anonymous religious donations, required the use of cash registers to account for donations, and placed quotas on foreign missionaries. In addition, other problematic provisions have been softened: minors would need only oral, rather than written, parental permission to attend religious events, and religious organizations requesting national status would need to be registered in only five, rather than seven, of Kazakhstan's 14 oblasts (regions).

¶3. (SBU) While the above-noted problematic provisions were removed, new provisions were added which raise concerns. For example, in the revised text, the minimum number of members that a religious organization needs to register with local authorities has been raised from ten to fifty. (Note: This provision is of particular importance, as groups with too few members to register would be prohibited from leasing space for religious meetings and from publishing religious materials. End Note.) The revised draft also (1) gives additional powers to the Minister of Justice's Religious

Issues Committee (the body responsible for registering religious groups), making the Committee the coordinator for all activities of foreign religious organizations; (2) expands the grounds for suspension of and denial of registration to religious organizations; and (3) adds a requirement that all religious organizations submit an annual report of their activities to the government.

¶4. (SBU) Mazhilis member Kamal Burkhanov, head of the special working group responsible for drafting the religion law amendments, stressed to us that the significant changes to the original draft are a direct result of consultations with civil society, religious leaders, the Minister of Foreign Affairs, and the Procurator General's office. Some NGO leaders, however, remain highly skeptical of the parliament's intentions. Almaty Helsinki Committee head Ninel Fokina and International Bureau for Human Rights head Yevgeny Zhovtis told us on June 5 that the most contentious provisions in the original draft were likely red herrings meant to give supporters of the legislation bargaining leverage. Zhovtis characterized the process as a carefully orchestrated "political game," where the government gives the impression of responding to NGO criticism while pushing through its own agenda.

¶5. (SBU) Eugenia Benigni, Human Dimension Officer at the OSCE's Almaty office, confirmed to us on June 11 that ODIHR finalized its analysis of the original draft of the legislation and passed it to Kazakhstan's OSCE mission in Vienna on June 10. According to Benigni, ODIHR offered to send experts to Kazakhstan on or about June 24 to discuss ODIHR's conclusions.

REASSURANCES FROM THE GOVERNMENT

¶6. (C) Per ref B demarche instructions, the Ambassador yet again raised USG concerns about the religion law amendments in separate June 11 meetings with Presidential Administration head Kairat Kelimbetov and Senate Chairman Kasym-Zhomart Tokayev, and in a June 12 meeting with Mazhilis Speaker Aslan Musin. All three assured the Ambassador that Kazakhstan would take into account ODIHR's recommendations in the final version of the legislation. Tokayev stressed that the legislation was a response to concerns among the broad public about "non-traditional" religious groups. He explained that he nevertheless had his own concerns about the Mazhilis' draft and indicated that the Senate would likely make amendments to the text. He expected the legislation to reach the Senate by mid-June, but said there was a strong possibility the Senate would not take any action on it until after the summer recess.

COMMENT

¶7. (C) There appears to be little doubt that Kazakhstan will adopt a package of religion law amendments later this year, aimed principally at asserting greater government control over "non-traditional" religious groups. Senate Chairman Tokayev is correct in noting that there are, in fact, serious concerns among the general public about "non-traditional" religious groups and their alleged pernicious influence on Kazakhstani society. However, the government itself may have played a large role in feeding these fears: recent negative media coverage about evangelical Protestants, Jehovah's Witnesses, Hare Krishnas, and others appears to have been orchestrated in part by the authorities (see ref C). The fact that the Mazhilis removed from the latest draft of the amendments a number of provisions about which international community raised specific concerns is, in any event, a positive sign. Our goal now should be to work with like-minded missions in Astana and Vienna to get the Kazakhstanis to heed ODIHR's recommendations. End Comment.

